



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Staimer, et al.	Group Art Unit: Unknown
App. No.	:	10/785376	
Filed	:	February 23, 2004	
For	:	CHROMATOGRAPHIC ANALYSIS ON OPTICAL BIO- DISCS AND METHODS RELATING THERETO	
Examiner	:	Unknown	

PETITION FOR ENTITLEMENT TO PRIORITY DATE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

MAIL STOP: Office of Petitions

Dear Sir:

In view of the below enumerated facts, Applicant hereby petitions for entitlement to the priority date of the provisional application on which the above-cited application is based.

- 1) Provisional Application No. 60/449,192 ("the '192 application") was filed on February 21, 2003, and included drawings labeled Figure 1- 22C.
- 2) On February 23, 2004, which was the Monday following the one year anniversary of the filing date for the above-cited provisional application, Application No. 10/785,376 was filed, including an incorporation by reference clause in both the specification and the application transmittal documents. The incorporation by reference, in both locations, states: "This application claims priority to U.S. Provisional Application No. 60/449,192, filed February 21, 2003, which is hereby incorporated by reference in its entirety, including Figures 1-22C."
- 3) On July 21, 2004, a Notice of Incomplete Nonprovisional Application was mailed from the Patent Office, indicating that the application was not accorded the priority date of the above-

09/21/2004 SSITHIB1 00000052 10785376

05 FC:1460

130.00 OP

Repln. Ref: 03/13/2006 CKHLOK 0008264000
DAH:111410 Name/Number:10785376
FC: 9204 \$130.00 CR

Adjustment date: 03/13/2006 CKHLOK
09/21/2004 SSITHIB1 00000052 10785376
05 FC:1460

-130.00 OP

Appl. No. : 10/785,376

Filed : February 23, 2004

cited provisional application because the non-provisional application was filed without drawings.

- 4) Applicants request that, in view of the specific incorporation by reference of Figures 1-22C of the above-cited provisional application, Figures 1-22C now be moved into the present application and that the priority date of the present application be changed to the filing date of the priority application, *i.e.*, February 21, 2003.
- 5) Payment of petition fee is enclosed in the amount of \$130. Please charge Deposit Account No. 11-1410 for any fee deficiency.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: _____

9/17/04

By: _____

Russell M. Jeide
Registration No. 54,198
Customer No. 20,995
(619) 235-8550

S:\DOCS\RMJ\RMJ-4009.DOC:gem073004

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: _____		2 Serial/Patent # _____								
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED							
	Filing		\$							
	Amendment		\$							
	Extension of Time		\$							
	Notice of Appeal/Appeal		\$							
<input checked="" type="checkbox"/>	Petition		\$ 130 ⁰⁰							
	Issue		\$							
	Cert of Correction/Terminal Disc.		\$							
	Maintenance		\$							
	Assignment		\$							
	Other		\$							
		7 TOTAL AMOUNT OF REFUND								
		\$ 130 ⁰⁰								
		8 TO BE REFUNDED BY:								
		Treasury Check								
		Credit Deposit A/C #:								
		9 <table border="1" style="display: inline-table; text-align: center; width: 150px;"> <tr> <td>1</td><td>1</td><td>--</td><td>1</td><td>4</td><td>1</td><td>0</td> </tr> </table>		1	1	--	1	4	1	0
1	1	--	1	4	1	0				
10 REASON:										
	Overpayment	<input checked="" type="checkbox"/>								
	Duplicate Payment									
<input checked="" type="checkbox"/>	No Fee Due (Explanation):									
Office Mistake										
11 REFUND REQUESTED BY:										
TYPED/PRINTED NAME: <u>DEREK L. WOODS</u>		TITLE: <u>Attorney</u>								
SIGNATURE: <u>Derek Woods</u>		PHONE: <u>2-3232</u>								
OFFICE: <u>Petitions</u>										
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****										
APPROVED: <u>Davey K. Plot</u>		DATE: <u>3/13/00</u>								

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to: